

PROB12A1

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

REPORT OF OFFENDER NON-COMPLIANCE

Offender Name: Sergio Vasquez-Hernandez

Docket Number: 1:03CR05422-001

Offender Address: Los Angeles, CA

Judicial Officer: Honorable Oliver W. Wanger
United States District Court Judge
Fresno, California

Original Sentence Date: 2/17/2004

Original Offense: 8 USC 1326, Deported Alien Found in the United States
(CLASS C FELONY)

Original Sentence: 6 months prison, 3 years supervised release, \$100
special assessment

Special Conditions: Search and deportation

Type of Supervision: Supervised Release (TSR)

Supervision Commenced: 8/2/2004

Assistant U.S. Attorney: William L. Sims **Telephone:** (559) 497-4000

Defense Attorney: Marc Ament **Telephone:** (559) 487-5561

Other Court Action: None

RE: VASQUEZ-HERNANDEZ, Sergio
Docket Number: 1:03CR05422-001
REPORT OF OFFENDER NON-COMPLIANCE

NON-COMPLIANCE SUMMARY

The purpose of this report is to advise the Court of an alleged violation of the terms of supervision. The Probation Officer has developed a plan to dispose of the alleged non-compliance with action less than revocation, and the Court is requested to approve the plan to address the non-compliance.

1. NEW LAW VIOLATIONS

On August 4, 2005, the defendant was arrested by El Monte Police authorities on charges of Possession of Over an Ounce of Marijuana [11357(C) California Health & Safety Code]. A warrant was issued.

On December 21, 2005, the defendant was arrested by El Monte Police authorities on the previously issued warrant mentioned above and on charges of Possession of an Ounce of Marijuana [11357(B) California Health & Safety Code]. On January 3, 2006, charges were added by El Monte Police authorities charging the defendant with Grand Theft Auto [487(D) California Penal Code]. On January 10, 2006, the defendant was released to immigration officials and was deported on January 30, 2006.

On January 31, 2006, the defendant was found within the Southern District of California, following his deportation, in violation of 8 USC 1326, Deported Alien Found in the United States. Charges are pending in the Southern District of California (Magistrate Court Case No. 06 MG 175).

Details of alleged non-compliance: Within three days of the defendant's release to Immigration and deportation on August 2, 2005, the defendant returned to the United States and began committing new law violations. He currently pends court proceedings

RE: VASQUEZ-HERNANDEZ, Sergio
Docket Number: 1:03CR05422-001
REPORT OF OFFENDER NON-COMPLIANCE

in the Southern District of California for Deported Alien Found in the United States. State charges in Los Angeles remain pending as well.

United States Probation Officer Plan/Justification: Given that the defendant's criminal activities are being addressed by respective courts, and when considering that the defendant is subject to federal custody and deportation, no adverse action is requested regarding this violation.

Respectfully submitted,

/S/ Melinda S. Peyret

MELINDA S. PEYRET
United States Probation Officer
Telephone: (559) 499-5733

DATED: 2/13/2006
Fresno, California
mp

REVIEWED BY: /s/ Bruce A. Vasquez
BRUCE A. VASQUEZ
Supervising United States Probation Officer

RE: VASQUEZ-HERNANDEZ, Sergio
Docket Number: 1:03CR05422-001
REPORT OF OFFENDER NON-COMPLIANCE

THE COURT ORDERS:

- (X) The Court Approves Probation Officer's Plan, and Orders No Further Action Be Taken At This Time.
- () Submit a Request for Modifying the Conditions or Term of Supervision.
- () Submit a Request for Warrant or Summons.
- () Other:

Feb. 14, 2006
Date

/s/ OLIVER W. WANGER
Signature of Judicial Officer

cc: United States Probation
Assistant United States Attorney
Assistant Federal Defender